

# TENNESSEE REGULATORY AUTHORITY

Sara Kyle, Chairman  
Lynn Greer, Director  
Melvin Malone, Director



460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

December 14, 2001

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce St., Suite 2101  
Nashville, TN 37201-3300

In Re: Petition for Interconnection by Cinergy Communications Company Against  
BellSouth Telecommunications, Inc.  
Docket No. 01-00987

Dear Mr. Hicks:

On November 9, 2001, the Authority received the Petition for Arbitration of an Interconnection Agreement between Cinergy Communications Company and BellSouth Telecommunications, Inc. In its Petition Cinergy Communications Company (Cinergy) claims that the TRA has jurisdiction over this matter pursuant to 47 U.S.C. 252(b). Cinergy states that the parties entered into negotiations on May 30, 2001 to replace the existing interconnection agreement which expired on November 29, 2001.

On December 4, 2001, BellSouth filed its Response to Cinergy Communications Company's Petition for Arbitration. In its response BellSouth states that Cinergy submitted eighteen (18) issues that were not discussed during negotiations and eleven (11) issues that Cinergy agreed were previously resolved. Further, BellSouth admits that negotiations between the parties commenced on May 30, 2001 and that Cinergy may file for arbitration anytime between the 135<sup>th</sup> and 160<sup>th</sup> day after Cinergy requested negotiations.

Section 252(b)(1) of the Telecommunications Act states "During the period from the 135<sup>th</sup> to the 160<sup>th</sup> day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation under this section, the carrier or any other party to the negotiations may petition a State commission to arbitrate any open issues."

To assist the TRA in its review of this petition, please respond to the following. Explain all answers in detail and provide all supporting calculations.

1. Does this petition for arbitration fall inside or outside the window set forth in section 252(b)(1) of the Telecommunications Act?
2. Is this a binding arbitration pursuant to section 252 of the Telecommunications Act?
3. Do both parties agree that the Authority should arbitrate this matter and that such decisions will be binding upon the parties?

This information should be provided by December 20, 2001. If you have any questions or need clarification, please contact Darren Darnell at (615) 741-2904, ext. 203.

Sincerely,

K. David Waddell  
Executive Secretary

Xc: Docket file      Telephone (615) 741-2904, Toll-Free 1-800-342-8359, Facsimile (615) 741-5015  
Henry Walker, Esq.      www.state.tn.us/tra

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Nashville, Tennessee 37243-0505

December 14, 2001

Henry Walker, Esq.  
Boult, Cummings, Conners & Berry, PLC  
414 Union Street, Suite 1600  
Nashville, TN 37219

In Re: Petition for Interconnection by Cinergy Communications Company Against  
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Sincerely,

A handwritten signature in dark ink, appearing to read "K. David Waddell".

K. David Waddell  
Executive Secretary

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